

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BEARING BROKERS, INC., on behalf of
plaintiff and a class,

Plaintiff,

v.

CREDIT MANAGEMENT ASSOCIATION and
JOHN DOES 1-10,

Defendants

CREDIT MANAGEMENT ASSOCIATION

Defendant/Third Party Plaintiff

v.

WESTFAX, INC.

Third Party Defendant

Case No. 12-cv-09430

**THIRD PARTY DEFENDANT MOTION TO EXTEND
THE TIME FOR WESTFAX, INC. TO ANSWER DEFENDANT'S THIRD PARTY
COMPLAINT**

NOW COMES Defendant Westfax, Inc. ("Westfax"), by and through its attorney William B. Hayes and pursuant to Local Rule 5.9 files its Motion to extend the time for Westfax to Answer the Defendant's Third Party Complaint or otherwise file a pleading in response thereto. As a part of its Motion, Westfax states the following:

1. Legal counsel for Westfax contacted Plaintiff's and Defendant's legal counsel regarding this Motion and the reasons therefore. Counsel for Plaintiff and Defendant do not object to the request for the extension of time set forth in this Motion.

2. In February 2013, Defendant served its Third Party Complaint against Westfax alleging a cause of action under the Telephone Consumer Protection Act.

3. Westfax's counsel has reviewed Defendant's claim against it, discussed the claims and counterclaims with counsel for Plaintiff and Defendant and is formulating an appropriate response to the Third Party Complaint including a counterclaim.

4. Defendant Westfax is a fax broadcaster as that term is defined by the FCC. Defendant's claim is based upon allegations that Westfax was highly involved with the Defendant who allegedly sent unsolicited facsimile advertisements to the Plaintiff. As a result, Westfax must review the relationship, if any, with the Defendant in order to respond to the allegations. This analysis is different than ascertaining whether an unsolicited facsimile was sent to a Plaintiff and requires more time to determine.

5. In this Motion, Westfax requests that it be given until April 15, 2013 to file an Answer or otherwise file a pleading in response to the Third Party Complaint.

6. The additional time will allow Westfax to meet and discuss the lawsuit with Illinois co-counsel to be retained and to properly investigate the facts and circumstances surrounding the allegations made by the Defendant in the Third Party Complaint.

7. The relief sought herein is not intended to cause undue delay, but to save both the Court and the Plaintiff and Defendant time and expense. No harm or prejudice will occur to any party as a result of the extension.

WHEREFORE, Westfax respectfully requests that the Motion be granted, the date to file an Answer or other pleading be extended until April 15, 2013 as set forth in this Motion and for all other relief that the Court deems necessary and appropriate.

Dated: March 27, 2013

/s/ William B. Hayes
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Attorney for Third Party Defendant Westfax, Inc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 27th day of March 2013, a true and accurate copy of the foregoing Motion was mailed and/or served electronically *via* CM-ECF Filing System to:

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